

CHAPTER NO. 1061

HOUSE BILL NO. 1360

By Representatives Ritchie, McMillan, Chumney

Substituted for: Senate Bill No. 1629

By Senator Harper

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 40, relative to the prosecution of certain criminal offenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 6, Part 1, is amended by adding the following new section:

(a) The Attorney General and Reporter shall have the authority to conduct an investigation and shall have the authority to initiate the criminal prosecution of any judge, chancellor or judicial elected official and/or District Attorney General whenever:

(1) It receives information sufficient to constitute probable cause to investigate whether any official may have violated any state criminal law; and

(2) A decision to prosecute the official by the District Attorney General of the district in which the offense occurred or in which a portion of the offense occurred may result in a personal, financial or political conflict of interest.

(b) If the Attorney General and Reporter initiates a criminal prosecution pursuant to the authority of this section, such Attorney General, or a deputy or Assistant Attorney General, shall have the authority to exercise all of the powers and perform all of the duties before any court or grand jury with respect to such prosecution that the appropriate District Attorney General would otherwise be authorized or required by law to exercise or perform.

(c) If the Attorney General and Reporter initiates a criminal prosecution pursuant to this section, the appropriate District Attorney General shall fully cooperate with the Attorney General and Reporter and participate in the prosecution, unless the subject of such prosecution, to the extent requested or approved by the Attorney General and Reporter.

(d) If the Attorney General and Reporter concludes that an investigation or prosecution should be initiated pursuant to this section, he may, after giving notice to the executive director of the district attorneys general conference, request appointment as district attorney general pro tem by an appropriate court pursuant to Tenn. Code Ann. §8-7-106(a). The application shall be considered by the court in camera. The executive director may appear before the court to be heard on the request for appointment. The notice to the executive director, the application for appointment, and the proceedings on the application shall be confidential.

(e) The Attorney General and Reporter is hereby authorized to request the Director of the Tennessee Bureau of Investigation to furnish such assistance as may be required by the Attorney General in the performance of his duties under this section. The Tennessee Bureau of Investigation is authorized to provide to the Attorney General and Reporter such assistance as he may request pursuant to this section.


SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 1, 1998


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 19th day of May 1998


DON SUNDQUIST, GOVERNOR